

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

STEVEN GOLDSTEIN,

Plaintiff,

v.

QVT ASSOCIATES GP LLC, QVT  
OVERSEAS LTD., QUINTESSENCE FUND  
L.P., QVT ASSOCIATES LP, QVT GLOBAL  
II L.P. and MEDIVATION, INC.

Defendants.

Case No. 10 Civ. 2488 (HB)

**MOTION TO ADMIT COUNSEL PRO HAC  
VICE**

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Janet Cullum, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission pro hac vice of

James M. Penning  
Cooley LLP  
Five Palo Alto Square  
3000 El Camino Real  
Palo Alto, California 94306  
Phone: (650) 843-5552  
Fax Number: (650) 849-7400  
Email: [jpenning@cooley.com](mailto:jpenning@cooley.com)

FILED  
U.S. DISTRICT COURT  
S.D. OF N.Y.  
2010 Nov 24 9:12:15

There are no pending disciplinary proceedings against James M. Penning in any State or Federal Court.

Dated: November 24, 2010  
New York, New York

Respectfully submitted,

COOLEY LLP

By: 

JANET CULLUM

1114 Avenue of the Americas  
New York, New York 10036  
Phone: (212) 479-6500  
Fax: (212) 479-6275  
Email: [jcullum@cooley.com](mailto:jcullum@cooley.com)

NOV 24 2010

9286-928376

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

STEVEN GOLDSTEIN,

Plaintiff,

v.

QVT ASSOCIATES GP LLC, QVT  
OVERSEAS LTD., QUINTESSENCE FUND  
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Defendants.

Case No. 10 Civ. 2488 (HB)

**AFFIDAVIT OF JANET CULLUM  
IN SUPPORT OF MOTION  
TO ADMIT COUNSEL PRO HAC VICE**

Janet Cullum, being duly sworn, hereby deposes and says as follows:

1. I am a partner at Cooley LLP. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of the motion of Defendant Medivation, Inc. ("Defendant") to admit James M. Penning as counsel pro hac vice to represent Defendant in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law on December 4, 2007. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known James Penning since 2002.

4. James Penning is an associate at Cooley LLP, in Palo Alto, California.

5. I have found Mr. Penning to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

6. Accordingly, I am pleased to move the admission of James Penning, pro hac vice.

7. I respectfully submit a proposed order granting the admission of James Penning, pro hac vice, which is attached hereto as Exhibit A.

8. I respectfully submit the Declaration of James M. Penning in Support of Motion for Order Admitting Him *Pro Hace Vice*, which is attached hereto as Exhibit B, along with the Certificate of Standing issued by the State Bar of California.

WHEREFORE it is respectfully requested that the motion to admit James Penning, pro hac vice, to represent Defendant in the above captioned matter, be granted.

Dated: November 24, 2010

City, State: New York, NY

Notarized:



*Sworn Before me  
on this 24<sup>th</sup> day  
of November, 2010*

Respectfully submitted,

COOLEY LLP

By:

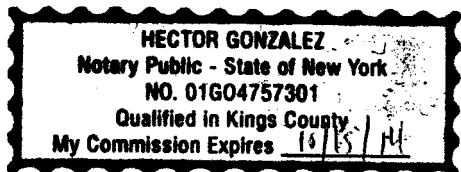
  
JANET CULLUM (JD 8048)

1114 Avenue of the Americas  
New York, New York 10036

Phone: (212) 479-6500

Fax: (212) 479-6275

Email: [jcullum@cooley.com](mailto:jcullum@cooley.com)



# **EXHIBIT A**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

STEVEN GOLDSTEIN Plaintiff,

10 cv 02488 (HB )

- against -

QVT ASSOCIATES GP LLC, et Defendant.  
al.

**ORDER FOR ADMISSION  
PRO HAC VICE  
ON WRITTEN MOTION**

Upon the motion of James M. Penning attorney for Defendant Medivation, Inc.  
and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that

Applicant's Name: James M. Penning  
Firm Name: Cooley LLP  
Address: Five Palo Alto Square, 3000 El Camino Real  
City/State/Zip: Palo Alto, California 94306  
Telephone/Fax: (650) 843-5552  
Email Address: jpenning@cooley.com

is admitted to practice pro hac vice as counsel for Defendant Medivation, Inc. in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated:  
City, State:

\_\_\_\_\_  
United States District/Magistrate Judge

## **EXHIBIT B**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

STEVEN GOLDSTEIN,

Plaintiff,

v.

QVT ASSOCIATES GP LLC, QVT  
OVERSEAS LTD., QUINTESSENCE FUND  
L.P., QVT ASSOCIATES LP, QVT GLOBAL  
II L.P. and MEDIVATION, INC.

Defendants.

Case No. 10 Civ. 2488 (HB)

**DECLARATION OF JAMES M. PENNING IN  
SUPPORT OF MOTION FOR ORDER  
ADMITTING HIM *PRO HAC VICE***

I, James M. Penning, declare:

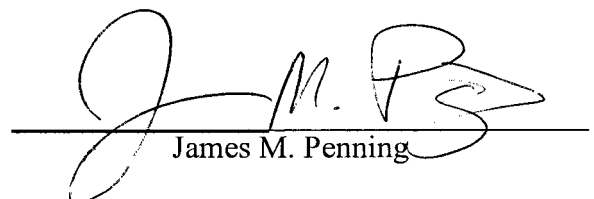
1. I am an attorney licensed to practice law in the state of California and a member in good standing of the State Bar of California. I am an associate at Cooley LLP, counsel of record for defendant Medivation, Inc. I have personal knowledge of the facts hereto and, if called to testify, could and would testify competently hereto.

2. By the accompanying Motion for Order Admitting James M. Penning Pro Hac Vice, I am seeking admission *pro hac vice* in the above-captioned matter for the purpose of arguing or trying this case in whole or in part as counsel or advocate for defendant Medivation, Inc.

3. Attached as Exhibit A is a true and correct copy of an November 3, 2010 certificate from the State Bar of California, certifying that I am an active member in good standing of the State Bar of California.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this Declaration was executed on November 8, 2010 at Palo Alto, California.

Dated: November 8, 2010

  
James M. Penning



# THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617

TELEPHONE: 888-800-3400

## CERTIFICATE OF STANDING

November 3, 2010

### TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, JAMES MATTHEW PENNING, #229727 was admitted to the practice of law in this state by the Supreme Court of California on January 5, 2004; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Kath Lambert", is written over a horizontal line.

Kath Lambert  
Custodian of Membership Records



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Defendants.

Case No. 10 Civ. 2488 (HB)

**AFFIRMATION OF SERVICE**

I, Janet Cullum, declare under penalty of perjury that I have served a copy of the attached Motion to Admit Counsel Pro Hac Vice, Affidavit of Janet Cullum in Support of Motion to Admit Counsel Pro Hac Vice and Order for Admission Pro Hac Vice on Written Motion upon the following, via First Class Mail:

Jack G. Fruchter  
Philip T. Taylor  
ABRAHAM, FRUCHTER & TWERSKY, LLP  
One Penn Plaza, Suite 2805  
New York, NY 10119

Brad Eric Konstandt  
Michael G. Bongiorno  
WILMER CUTLER PICKERING HALE & DORR, L.L.P.  
399 Park Avenue  
New York, NY 10022

Jeffrey B. Rudman  
WILMER CUTLER PICKERING HALE & DORR, L.L.P.  
60 State Street  
Boston, MA 02109

Dated: November 24, 2010  
New York, New York

Respectfully submitted,

COOLEY LLP

By: 

JANET CULLUM

1114 Avenue of the Americas  
New York, New York 10036  
Phone: (212) 479-6500  
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Email: [jcullum@cooley.com](mailto:jcullum@cooley.com)

*Attorneys for Defendant Medivation, Inc.*